

JAMES M. GAITHER, JR., Attorney at Law

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August 20, 2004

Sent Via Mail and Facsimile
202 219 3923

Federal Elections Committee
999 E Street, NW
Washington, DC 20463

Attn: Ms. Alva E. Smith

Re: MUR #5496 -- Huffman For Congress Committee
Request for Extension of time to file response

Dear Ms. Smith:

Please find enclosed the Statement of Designation of Counsel.

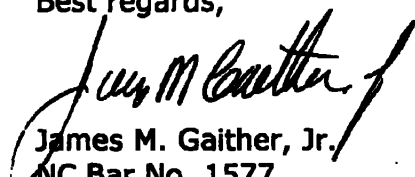
The purpose of this letter is to request an extension of time to file the response to the Complaint in the above-matter.

The Complaint was received on August 9, 2004, by Dale Jarrett Ford, Inc., located in Indian Trail, North Carolina. I am located in Hickory, North Carolina, a distance of 60 miles.

I have worked diligently to discuss this matter with my client, but need additional time to meet with my client to go over the response and affidavit. A draft of the affidavit has been done and I have a meeting set up with Dale Jarrett Ford, Inc. on August 24, 2004. However, that is the date the Response is due.

Please advise as to whether you can extend the Response deadline a reasonable time, at least one week.

Best regards,


James M. Gaither, Jr.
NC Bar No. 1577
JMG/jak

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FEDERAL ELECTIONS
COMMISSION
OFFICE
GENERAL COUNSEL
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STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent.

MUR 5496

NAME OF COUNSEL: James M. Gaither, Jr.

FIRM: James M. Gaither, Jr.

ADDRESS: P. O. Box 279, Conover, NC 28613

TELEPHONE: (828) 464-8842 X302

FAX: (828) 465-5088

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

L. Norwood Poole
Print Name

8/20/04 LNP Vice President
Date Signature Title

RESPONDENT'S NAME: Dale Jarrett Ford, Inc.

ADDRESS: P. O. Box 2460, Indian Trail, NC 28179

TELEPHONE: ^{Business} ~~HOME~~ (704-) 283-8521

BUSINESS()

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT

Re: MUR 5496

My name is L. Norwood Poole. I am Vice President of Dale Jarrett Ford, Inc., ("Dale Jarrett Ford") located in Indian Trail, North Carolina.

On or about May 12, 2004, I was asked to call Mr. Jamie Parsons of the Huffman for Congress Campaign ("Huffman Campaign") in Hickory, North Carolina to discuss the sale of a car to the Huffman Campaign which was to be used in a raffle to raise campaign funds.

I called Mr. Parsons on that date and he advised me that the Huffman Campaign wished to purchase a 2004 Ford Explorer XLT which was to be raffled off in a fund raising contest.

I advised Mr. Parsons that we would sell the car at our invoice cost minus all rebates. A sale under this formula would allow Dale Jarrett Ford to make a profit of \$992.00 on the sale which was the "holdback" sum paid to Dale Jarrett Ford by Ford Motor Company for the sale.

Dale Jarrett Ford frequently sells our vehicles under the above formula and on numerous occasions have made sales by reducing our profit on the holdback portion.

At no time did we offer or were we requested to make a special deal or lower sale price to the Huffman Campaign. The purchase price we charged was equal to or greater than the majority of all of our single car sales that are made at our dealership.

On May 14, 2004, we faxed Mr. Parsons a copy of our invoice price to show him the cost of the car.

Mr. Parsons asked whether the Huffman Campaign could use the car prior to paying for it to display at raffle functions and could pay for the car when the winner was announced to allow the title to be transferred directly to the winner. After discussing the request with Mr. Brian Kenny, our insurance company representative, we told Mr. Parsons he would have to have the vehicle covered by insurance before we could deliver it to the Huffman Campaign. Mr. Parsons arranged insurance coverage and we delivered the vehicle to him on or about May 27, 2004.

As is customary for sales where the car is subject to be won at a raffle, Dale Jarrett Ford agreed that the Huffman Campaign could pay for the car when the raffle winner was announced. In this case the winner was announced on July 20, 2004. Under the terms of the raffle, the Huffman Campaign was to pay for the car and the winner was to pay tax, title, transfer and document preparation charges.

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On or about July 22, 2004, we learned that the winners of the vehicle were Mr. and Mrs. Wynters, residents of Catawba County, North Carolina, who were then in Florida. The Wynters mailed their check to Mr. Parsons who delivered it along with the check from the Huffman Campaign to Dale Jarrett Ford.

Dale Jarrett Ford also sent a Bill of Sale overnight to the winners for them to sign and return. On July 31, 2004, the Huffman Campaign check for \$26,903.49 and the Wynters' check for \$1,444.09 were delivered to Dale Jarrett Ford. The Huffman Campaign check reflected the net sum due after credit for the \$4,000.00 rebate from Ford Motor Company.

For your further information and review, I am attaching the following to this Affidavit:

1. Copy of Dealer Invoice for 2004 Ford Explorer VIN [REDACTED] showing \$30,903.49, which was the purchase price before rebate, which was the agreed price (less the \$4,000.00 rebate);
2. Letter from Terry and Kay Wynter to Huffman Campaign;
3. Copy of the Huffman Campaign check in the amount of \$26,903.49 dated July 27, 2004;
4. Copy of the Wynters' check in the amount of \$1,444.09 dated July 26, 2004; and
5. Copy of the Bill of Sale dated July 31, 2004.

This is to further advise that the Huffman Campaign never requested a political contribution from anyone at Dale Jarrett Ford and that Dale Jarrett Ford never gave the Huffman Campaign any contribution, special consideration, or discount on this sale. This sale was handled as all raffle sales are handled at Dale Jarrett Ford and the price was not discounted in any way except as other sales to the general buying public are discounted in the ordinary course of business.

Upon request we can show representative sales to our customers using the same formula to arrive at a sale price as was done in this case.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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This the 25th day of August, 2004.

L. Norwood Poole (SEAL)
L. Norwood Poole

I, the undersigned, being first duly sworn, deposes and says that the matters contained in the foregoing affidavit are true except for those matters stated on information and belief and as to those matters, the affiant believes them to be true.

This the 25th day of August, 2004.

L. Norwood Poole (SEAL)
L. Norwood Poole

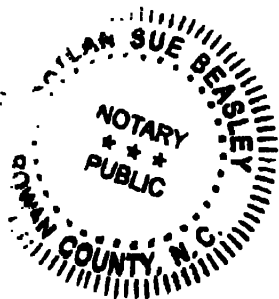
STATE OF NORTH CAROLINA

COUNTY OF Union

I, KAYLAN SUE BEASLEY, a Notary Public of the County and State aforesaid, certify that L. Norwood Poole personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 25th day of August, 2004.

(SEAL)



Kaylan Sue Beasley
Notary Public
My commission expires: 1-13-07